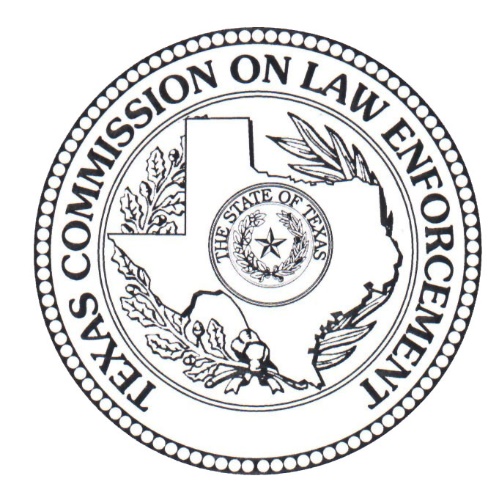
Advanced Human Trafficking

in the State of Texas: Law Enforcement’s Role in Combating Human Trafficking



Course #3271

February 2021

Advanced Human Trafficking

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ABSTRACT

This guide is designed to assist the instructor in developing an appropriate lesson plan to teach the course learning objectives. The learning objectives are the minimum required content of the Advanced Human Trafficking Training.

**Note to Trainers: It is the responsibility of the training coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at** [**www.tcole.texas.gov**](http://www.tcole.texas.gov) **for edits due to course review.**

**Target Population:** Law Enforcement personnel, governmental and non-governmental agency personnel, and victim service providers as applicable, who are desiring to obtain more advanced knowledge and proficiency in the topic area of Human Trafficking.

**Student Prerequisites:**

* None

**Instructor Prerequisites:**

* Certified TCOLE Instructor and documented knowledge/training in course subject matter OR
* Documented subject matter expert

Preferred: 3 years of experience assigned to an investigative unit, investigating crimes against children, crimes against persons, human trafficking, and sexual exploitation.

**Length of Course:** 4 hours minimum

**Equipment:**

* None

**Training Delivery Method(s):**

* Online
* Instructor-led, classroom-based
* Instructor-led, virtual classroom

**Method(s) of Instruction:**

* Lecture
* Discussion
* Scenarios
* Videos

**Facility Requirements:**

* Standard classroom

**Assessment:** Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

In addition, the Commission highly recommends a variety of testing/assessment opportunities throughout the course which could include: oral or written testing, interaction with instructor and students, case study and scenario, and other means of testing students’ application of the skills, as the instructor or department deems appropriate.

Unless otherwise indicated, the minimum passing score shall be 70%.

**Note to Instructor:** It is highly recommended that subject matter experts are used as guest speakers. These experts could include: representatives from governmental or non-governmental providers, subject specific instructor trained peace officers, as well as volunteers from coalition and advocacy organizations.

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Learning Objectives

1. Human Trafficking Defined
   1. Learning Objective: The student will be able to review common myths and misconceptions about human trafficking.
   2. Learning Objective: The student will be able to discuss common questions about human trafficking.
   3. Learning Objective: The student will be able to identify the forms of trafficking and how trafficking is different from smuggling.
   4. Learning Objective: The student will be able to identify common characteristics of perpetrators of human trafficking.
   5. Learning Objective: The student will be able to explain victim vulnerability and how it can lead to exploitation of the victim.
   6. Learning Objective: The student will be able to explain a trafficker’s generalized approach to the recruitment process.
   7. Learning Objective: The student will be able to list the methods of force, fraud, and coercion that human traffickers use to control their victims.
2. Role of Local Law Enforcement in Human Trafficking
   1. **Learning Objective:** The student will be able to explain the critical role that law enforcement plays in the identification of human trafficking and how to build strong cases.
   2. Learning Objective: The student will be able to list laws used to prosecute human trafficking including alternative charges and their use in the victim-centered approach.
   3. Learning Objective: The student will be able to identify the Trafficking Victims Protection Act (TVPA) as the federal legislation used to prosecute human trafficking.
   4. Learning Objective: The student will be able to identify the elements of the State of Texas Penal Code Section 20A Trafficking of Persons.
   5. Learning Objective: The student will be able to identify the Texas Penal Code offense classification if the trafficking victim is younger than 18 years of age at the time of the offense.
   6. Learning Objective: The student will be able to discuss the charges associated with compelling and promoting prostitution, and the issue of prosecuting the victim on prostitution charges.
3. Indicators of Human Trafficking
   1. Learning Objective: The student will be able to identify indicators of a human trafficking victim including environmental, visual, and behavioral cues.
   2. Learning Objective: The student will be able to explain characteristics of domestic victims that may affect their cooperation in human trafficking investigations.
   3. Learning Objective: The student will be able to explain characteristics of international victims that may affect their cooperation in human trafficking investigations.
4. Communicating with Human Trafficking Victims
   1. Learning Objective: The student will be able to explain the communication barriers associated with human trafficking victims including deportation fears, distrust of law enforcement, and lack of victim self-identification.
   2. Learning Objective: The student will be able to identify considerations when interviewing human trafficking victims including interviewing techniques.
   3. Learning Objective: The student will be able to identify appropriate questions to ask and the immediate needs of the victim during an interview that assist in victim identification.
   4. Learning Objective: The student will be able to explain why victims may be reluctant to provide information about their traffickers.
5. Non-Governmental Organizations’ Role in Human Trafficking
   1. Learning Objective: The student will be able to identify examples of non-governmental organizations that can assist victims through collaboration with law enforcement.
   2. Learning Objective: The student will be able to explain why working with NGOs is essential in meeting the needs of human trafficking victims.
   3. Learning Objective: The student will be able to identify the physical and mental medical needs of victims that NGOs are best setup to provide.
   4. Learning Objective: The student will be able to identify NGO resources available to their local department/agency.
6. Conclusion
   1. Learning Objective: The student will be able to review their role as a law enforcement officer in possible or confirmed human trafficking cases.
   2. Learning Objective: The student will be able to explore case summaries through class discussion.

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# UNIT 1. Human Trafficking Defined

## The student will be able to review common myths and misconceptions about human trafficking.

INSTRUCTOR NOTE: Optional – Play video from the Texas Attorney General’s Office, “Be the One.” This video is an hour long and has several case studies included. Throughout the course there will be time codes listed for this video that are relevant to the objective; however the video can be watched in its entirety as an introduction or conclusion of the course. The video can be found at: <https://www2.texasattorneygeneral.gov/human-trafficking>. Time code: 0:00-0:52

To understand how to combat human trafficking officers must understand what human trafficking is and how to recognize indicators that may be present. There are many myths and misconceptions that surround human trafficking. We must look past the obvious; learn to look beneath the surface, probe with direct questions, and to realize many victims are suffering in plain sight.

**Myth: It’s always, or usually, a violent crime.**

Reality: By far the most pervasive myth about human trafficking is that it always, or often, involves kidnapping or otherwise physically forcing someone into a situation. In reality, most human traffickers use psychological means such as tricking, defrauding, and/or manipulating or threatening victims into providing commercial sex or exploitative labor.

**Myth: Only women and girls can be victims and survivors of sex trafficking.**

Reality: One study estimates that as many as half of sex trafficking victims and survivors are male. Advocates believe that percentage may be even higher but that male victims are far less likely to be identified. LGBTQ boys and young men are seen as particularly vulnerable to trafficking.

**Myth: Human trafficking involves moving, traveling, or transporting a person across state or national borders.**

Reality: Human trafficking is often confused with human smuggling, which involves illegal border crossings. The crime of human trafficking does not require any movement whatsoever. Survivors can be recruited and trafficked in their own hometowns and even their own homes.

**Myth: If the trafficked person consented to be in their initial situation, then it cannot be human trafficking or against their will because they “knew better.”**

Reality: Initial consent to commercial sex or a labor setting prior to acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime, nor is payment.

**Myth: People being trafficked are physically unable to leave their situations/locked in/held against their will.**

Reality: This is sometimes the case; however more often, people in trafficking situations stay for reasons that are more complicated. Some lack the basic necessities to physically get out such as transportation or a safe place to live. Some are afraid for their safety. Some have been so effectively manipulated that they do not identify at that point as being under the control of another person.

**Myth: Labor trafficking is only, or primarily, a problem in developing countries.**

Reality: Labor trafficking occurs in the United States and in other developed countries but is reported at lower rates than sex trafficking.

**Myth: Traffickers target victims they don’t know.**

Reality: Many survivors have been trafficked by romantic partners, including spouses, and by family members, including parents.

## The student will be able to discuss common questions about human trafficking.

**What is human trafficking?**

Human trafficking is a form of modern-day slavery or involuntary servitude. This crime occurs when a trafficker uses force, fraud, or coercion to control another person for the purpose of engaging in commercial sex acts or soliciting labor or services against his/her will. Force, fraud, or coercion need not be present if the individual engaging in commercial sex is under 18 years of age.

Trafficking is an economic enterprise built on a foundation of a living, breathing commodity—humans. This commodity is extremely profitable as it does not require replenishment once sold or used. Human trafficking victims are exploited for commercial sex or labor purposes and although most victims of trafficking are women and children, men are also victims. Men are most often forced to labor in agricultural fields to harvest crops, but may also be forced to work in construction, restaurants, or the sex industry.

Child sex trafficking is the recruitment, harboring, transportation, provision, obtaining, or advertising of a minor child for the purpose of a commercial sex act, which involves the exchange of anything of value—such as money, drugs or a place to stay—for sexual activity. While any child can be targeted, research has shown that traffickers often target children with increased vulnerabilities and prey upon the child’s vulnerability, using psychological pressure and intimidation to control, and sexually exploit, the child for financial benefit. Children targeted generally have increased vulnerabilities in/due to:

* Chronically missing or frequently running away (especially 3+ missing incidents)
* Childhood sexual abuse, especially if the abuse was unreported, unaddressed, or resulted in the child being removed from the home
* Prior sexual assault or rape
* Significant substance abuse issues or lives with someone with these issues
* Self-identification as LGBTQ and have either been kicked out or stigmatized by family

However, the issue of child sex trafficking is complex and not all instances of child sex trafficking involve an identified trafficker. In such cases, it is the person buying sex from the child who exploits the child’s vulnerabilities. Traffickers and buyers of children for sex encompass all racial, socio-economic and cultural groups. Child sex trafficking has devastating consequences for its minor victims, including long-lasting physical and psychological trauma, disease, and/or even death.

Human trafficking generates billions of dollars in profits each year and operates on a scale equivalent to the illegal sale of weapons and drugs. Kevin Bales of Free the Slaves defines it as “a relationship in which one person is controlled by violence through violence, the threat of violence, or psychological coercion, has lost free will and free movement, is exploited economically, and paid nothing beyond subsistence.”

**What are the differences between human trafficking and human smuggling?**

Human smuggling requires the movement across international borders and is a crime against a nation’s sovereignty. Human smuggling involves the provision of a service (typically transportation or fraudulent documents) to an individual who voluntarily seeks to gain illegal entry into a foreign country.

Human trafficking is the exploitation of a person (man, woman, or child) for labor or commercial sexual exploitation and may occur domestically where victims are held against their will. More simply, human trafficking is a crime against a person, while human smuggling is a crime against a country.

**Who are human traffickers?**

Human traffickers are people who obtain a financial gain by exploiting humans for labor or commercial sexual exploitation through the use of force, fraud, or coercion. There is no one particular look to a trafficker. Traffickers are people who are willing to treat other people like objects or commodities that they can buy, sell or exploit for their own benefit. They can be:

* family/relatives
* peers
* international third-party recruiters
* unscrupulous employers
* organized crime syndicates, cartels, or gangs
* strip club owners/managers
* opportunistic criminals
* intimate partners
* neighbors and friends
* sex buyers who pay for children under the age of 18 or adults who are being forced to prostitute

**If I come in contact with a suspected victim of human trafficking, who should I contact?**

Law enforcement may contact assets within their department and/or state and federal agencies to assist with the investigation and prosecution of human trafficking.

**What are the main elements of trafficking?**

The three main elements are force, fraud, and coercion. Under Texas law we divide trafficking into four types:

* Trafficking of adults for forced labor, for instance in agriculture, food service, factory work or sales;
* Trafficking of adults for sex, in strip clubs, brothels, massage parlors, street or internet prostitution;
* Trafficking of children under the age of 18 for forced labor; and
* Trafficking of children under the age of 18 for sex.

An individual can be trafficked into any industry or type of work. Legally, someone is trafficked if force, fraud, or coercion is applied to make the trafficked person work or if a child under the age of 18 is trafficked for sex by any means, regardless of whether the trafficker has to use force, fraud, or coercion.

**Are there domestic trafficking victims in the United States?**

Trafficking victims may be citizens of the United States who are exploited for labor or sex. In Texas, immigrants coming through are often escaping poverty, political/civil unrest, and/or many other reasons. They are generally subject to physical and sexual abuse, and even death to get across the border. Once in Texas, they are usually going to major cities such as Houston, Dallas, and San Antonio for labor purposes. Law enforcement will most often interact with these victims on traffic stops and other routine law enforcement calls. Due to the victims’ vulnerabilities, they will be fearful of law enforcement, which traffickers use to their own gain. Patterns can be seen on the major interstates moving through these major cities across Texas.

Commercial Sexual Exploitation of Children (CSEC) and child pornography are factors of vulnerability and abuse that ultimately can make victims vulnerable to subsequent trafficking. Unlike other forms of human trafficking, no proof of force, fraud, or coercion is needed when the victim is under the age of 18. According to a 2013 report sponsored by the Justice Department, commercial sexual exploitation and sex trafficking of minors in the United States are commonly overlooked, misunderstood, and unaddressed forms of child abuse. CSEC and sex trafficking of minors refers to a range of crimes, including:

* recruiting, enticing, harboring, transporting, providing, obtaining, and/or maintaining (acts that constitute trafficking) a minor for the purpose of sexual exploitation;
* exploiting a minor through prostitution;
* exploiting a minor through survival sex (exchanging sex/sexual acts for money or something of value [e.g., shelter, food, drugs]);
* using a minor in pornography;
* exploiting a minor through sex tourism, mail order bride trade, and early marriage; and
* exploiting a minor by having her or him perform in sexual venues (e.g., peep shows or strip clubs).

**What type of person is most commonly victimized?**

Worldwide, it is believed that most victims are adult women and children, primarily girls younger than 17 years of age. Men comprise the smallest category. It is important to note however that much less is known about male victims of human trafficking. Because trafficking is a clandestine crime that is underreported and because labor trafficking is not perceived to be a grave offense when compared to sex trafficking, male victims are often a forgotten population. Thus, even though statistical reports regard male victims as a small population of victims, this may not be entirely accurate if accounts of labor trafficking are significantly underreported. Additionally, in some countries human trafficking is a gendered-crime, meaning that men who are exploited for sexual and/or labor purposes are not considered victims of this crime. This may be another reason for the limited information of male victims of human trafficking. Other common victim characteristics include:

* Low level of education or no education
* Unemployment
* Limited employment opportunities in countries of origin
* Dire economic circumstances
* Social and economic inequality in countries of origin
* Armed conflict, military occupation, and/or regional conflict in countries of origin

Although these are common characteristics, anyone can be a victim of human trafficking. Recruitment-by-force cases, although less common than recruitment-by-persuasion cases, does not require any of the above mentioned characteristics to be present. Human trafficking can happen to anyone but some people are more vulnerable than others. Significant risk factors include recent migration or relocation, substance use, mental health concerns, involvement with the child welfare system, and being a runaway or homeless youth. Youth who are exploited may not self-identify, may not view themselves as victims, or even know they are being exploited due to the ongoing exploitation. Other risk factors include:

* History of physical and sexual abuse, neglect, or sexual assault
* Youth who have run away or experiencing homelessness
* History of teen dating violence
* History of parent/guardian or personal drug use

Trafficking victims are exploited in many locations:

* Restaurants
* Nail salons
* Factories
* Private residences
* Cantinas/bars
* Massage parlors
* Escort services
* Sexually oriented businesses

## The student will be able to identify the forms of trafficking and how trafficking is different from smuggling.

INSTRUCTOR NOTE: Optional – Video briefly introduces the idea of trafficking vs. smuggling. Time code: 12:38-13:19

1. Forms of Trafficking

The Trafficking and Violence Prevention Act of 2000 (TVPA), categorizes human trafficking into two primary components.

1. Sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of eighteen years old.
2. Labor trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. Labor trafficking may arise in situations where exploitation can easily occur, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

**INSTRUCTOR NOTE:** Review the TVPA wording for force, fraud, and coercion with the class.

Sex trafficking is considered the most common form of trafficking in the United States. Many victims will be working in massage parlors, brothels, strip clubs, escort services, bars, modeling studios, or the street corner.

Labor trafficking recruits, harbors, transports, obtains, or employs a person for labor or services in involuntary servitude, peonage, debt bondage, or slavery. Labor trafficking may be separated into three distinct categories which are used to exploit victims of human trafficking.

* Bonded labor: Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which the terms and conditions have not been defined or in which the value of the victims’ services, as reasonably assessed, is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money “borrowed.” Examples include:
  + Migrant farm workers
  + Labor camps
  + Sweatshops
  + Domestic servitude
* Forced labor: Victims of forced labor are compelled to work against their will, under the threat of violence or some other form of punishment, their freedom is restricted, and a degree of ownership is exerted. Examples include:
  + Domestic servitude
  + Agricultural labor
  + Sweatshop factory labor
  + Janitorial services
  + Food service
  + Magazine sales
  + Begging
* Child labor: Victims are engaged in work likely to be hazardous to the health and/or physical, mental, spiritual, moral, or social development of children and can interfere with their education. The International Labor Organization (ILO) estimates worldwide there are 215 million children between 5 and 17 involved in child labor. Of those, more than 115 million are involved in the “unconditional worst forms of child labor.” Examples include:
  + Debt bondage
  + Forced recruitment for armed conflict
  + Prostitution
  + Pornography
  + Illegal drug trade
  + Illegal arms trade
  + Other illicit activities around the world

Although sex-trafficking and labor trafficking have differing definitional elements, both contain three vital components: force, fraud, and coercion. Traffickers exploit their victims through these means and exploitation is a key element to the crime of human trafficking.

1. Human Trafficking vs. Human Smuggling

Human trafficking involves exploiting men, women, or children for the purposes of forced labor or commercial sexual exploitation. Most individuals who are assisted with illegal entry into the United States are smuggled, rather than trafficked. It is often the case that a person being smuggled may at any point become a trafficking victim.

The following table updated and expanded from the Human Smuggling and Trafficking Center shows the differences between human trafficking and smuggling.

|  |  |  |
| --- | --- | --- |
| **HUMAN TRAFFICKING** |  | **HUMAN SMUGGLING** |
| Crime against a person; seen as a victim |  | Crime against a nation’s sovereignty; seen as a violator |
| May occur domestically |  | Always international in nature |
| Need not involve the actual movement of the person |  | The illegal entry of a person from one country to another; involves borders |
| Must contain an element of force, fraud, or coercion (actual, perceived or implied); person cannot consent |  | Smuggled individual is generally cooperating; begins with consent and contact ends after entry |
| Profit is through forced labor and/or exploitation |  | Profit is through payment made for being smuggled across an international border |
| Enslaved, subjected to limited movement or isolation, or had documents confiscated |  | Persons are free to leave, change jobs, etc. |
| Person must be involved in labor/services or commercial sex acts; may work to pay a “debt” |  | Person must only be in country or attempting illegal entry; fees are paid in advance or upon arrival |

While victims are sometimes transported to the trafficking location, that does not exclude trafficking situations with no transportation. The law states that “obtained by any means” applies to all trafficking victims. Therefore, if a victim is trafficked from their own home, they still are a victim. The physical movement of the victim is not a prerequisite of human trafficking. Trafficking may occur in a home setting, generally with children being trafficked for commercial sex.

In some instances, it may be difficult to quickly ascertain whether a case is one of trafficking or smuggling. Distinctions may be very subtle but the distinguishing elements are force, fraud, or coercion.

INSTRUCTOR NOTE: These distinctions are vital to the understanding of human trafficking. Discuss the differences and similarities of trafficking vs. smuggling in detail. Develop questions or case studies to measure internalization of information. Sample questions include:

* How does human trafficking differ from smuggling?
* When investigating, what questions would you ask to determine if a case is smuggling or trafficking?

## The student will be able to identify common characteristics of perpetrators of human trafficking.

Human traffickers can be anyone and includes anyone who knowingly contributes in the trafficking of people with the intent of exploitation. Traffickers seek out vulnerable people to exploit for financial gain and they can be friends or family members, community members, pimps or madams, people within the adult entertainment industry, illicit massage owners, people masking trafficking with smuggling, and sometimes an organized crime group such as gangs and drug trafficking organizations.

With respect to gender, human trafficking operations are not exclusively male-operated. There are schemes operated by both men and women and there are also men-only and women-only operations. There are also husband and wife or domestic partnership operations. As mentioned, traffickers are generally associated with the victim in some way. It is not unusual for traffickers to recruit acquaintances, neighbors, and even family members to be sold into slavery. In a different study of sex trafficking into the United States, Raymond et al. (2001) found that female victims were too often recruited by spouses/boyfriends.

The ages of traffickers can vary greatly as can their educational and occupational backgrounds; individuals as young as 19 have been involved in human trafficking schemes, some even have advanced educational degrees. It is most common however, that traffickers have a criminal history. For instance, traffickers operating in the United States also actively participate in money laundering, extortion, child pornography, and drug trafficking. Traffickers are also frequently involved in a legitimate business, often as a cover for their illegitimate activities.

**INSTRUCTOR NOTE:** Some traffickers are former victims themselves. A trafficked victim may become a trafficker due to fear of threatened or actual violence and/or as part of advancing their role within the trafficking enterprise. Engage the class in a discussion with the following questions:

* Who comes into contact with victims during the trafficking process?
* What role can/do such actors play in committing trafficking or trafficking-related crimes?
* What role can/do such actors play in preventing trafficking or trafficking-related crime?

## The student will be able to explain victim vulnerability and how it can lead to exploitation of the victim.

INSTRUCTOR NOTE: Optional – Video briefly introduces vulnerable populations. Time code: 11:46-12:38

The International Labor Organization estimated that in 2016, 40.3 million people are in modern slavery, including 24.9 million in forced labor and 15.4 million in forced marriage. One in four victims of modern slavery are children and more than half are women and girls. The estimated annual profit generated in 2016 of forced labor in the United States was $150 billion. In 2019, the Polaris Project reported 11,500 trafficking situations from the U.S. National Human Trafficking Hotline with 22,326 survivors and 4,384 traffickers. Even as large as these numbers are, Polaris concedes that human trafficking is notoriously underreported, so these are likely only a fraction of the actual problem. The International Labor Organization estimates that there are over 40 million victims of human trafficking globally with hundreds of thousands in the United States. Admittedly, no one knows for certain how many victims fall prey to human trafficking because this is a clandestine crime and because most of the efforts are focused on identified victims.

* Men, women, and children all over the globe, and of diverse ages, become victims of this crime primarily because of economic and political instability in their countries of origin as well as economic prosperity and disposable incomes in countries of destination.
* Most sex trafficking victims in the United States are domestic, and most labor is not. However, it is important to note that labor trafficking can be domestic as well with the extremely at-risk populations such as the homeless and the mentally ill.
* For minor and youth sex trafficking, select groups are believed to be at higher-than average risk of sex trafficking, including children in the foster care system, those who have experienced abuse, and the homeless. For at-risk youth being served by the Department of Family and Protective Services, the population currently receiving services due to being identified as at-risk are at highest risk of exploitation.
* Anyone can be a victim of human trafficking. Human trafficking can happen to anyone; some people are more vulnerable than others. Victims of human trafficking often have similar characteristics such as dire economic circumstances, hopelessness, and a desire for a better life. Significant risk factors include recent migration or relocation, substance use, mental health concerns, involvement with the children welfare system and being a runaway or homeless youth. Often, traffickers identify and leverage their victims’ vulnerabilities in order to create dependency.

The National Human Trafficking Resource Center Hotline indicates 9.4% (1,080) of calls came from Texas in 2019. Texas has the second highest percentage of calls in the nation behind California; however, these are just the calls made to the hotline. It is rare that a trafficking victim will self-report. According to the National Institute of Justice (NIJ) report, Recent NIJ-supported research reveals that labor and sex trafficking data appearing in the FBI’s national Uniform Crime Reporting (UCR) Program may significantly understate the extent of human trafficking crimes in the United States.

Poverty has been identified as a primary component that makes victims vulnerable to human trafficking schemes. This component predisposes individuals to search for economic opportunities without fully being aware of potential hazards or to disregard potential dangers. They fall prey to false promises of employment simply because of a desire for a better life. Often this desire for a better life is not a selfish aspiration but one that involves the health and wellbeing of family members. The economic situation most victims find themselves in is not self-imposed, meaning that the victim does not have stable employment simply because he/she refuses to work for a small monetary gain, but rather a result of economic instability in their home location and due to a limited number of available legitimate jobs. In a sense, these individuals are powerless to change their economic situation unless they seek employment, sometimes illegitimate employment, in other regions of the country or abroad.

Traffickers employ a variety of control tactics, with the most common being physical and emotional abuse and threats, isolation from friends and family, and economic abuse. Traffickers make promises aimed at addressing the needs of their target in order to impose control. Victims become trapped and fear leaving for myriad reasons, including psychological trauma, shame, emotional attachment, or physical threats to themselves or their family.

## The student will be able to explain a trafficker’s generalized approach to the recruitment process.

Traffickers often find it easy to recruit their victims. The recruitment process almost always begins with someone who knows the culture and vulnerability of victims—often they are acquaintances or friends of the victims and can even be a family member. Sometimes, recruiters are victims themselves. Though there is often the appearance that the recruiters are free to do as they wish, in reality they are also being victimized. Two primary types are:

* Recruitment-by-Persuasion: Recruiter must gain the trust of the victim to lay foundation for control during subsequent stages and for the beginning of the exploitation and enslavement.
* Recruitment-by-Force: Recruiters abduct, kidnap, and/or drug victims.

Domestic trafficking is a prevailing issue, but international trafficking should also be addressed. Specifically, when looking at international trafficking, exaggerated stories of money to be made from employment abroad are used to lure victims and newspapers or social media are used to attract victims. The following examples are given in the context of international trafficking:

* Recruitment-by-Persuasion: Help-wanted ads describing legitimate, but misrepresented, employment opportunities are placed in newspapers to increase the pool of exploitable individuals. There are examples in China of Mandarin online job offers that claim a massage therapist in Florida can make $10,000 a month. In the United States we know this is not attainable—for someone in China, this might look like a good job offer. The recruiter gains trust for control and also to gain willing consent from the individual to travel abroad. Trust tricks the victim into believing that the employment opportunity is legitimate and also convinces them to consent to illegal activity such as obtaining a fraudulent passport or to give a small down-payment to facilitate travel abroad.
* Recruitment-by-Force: Refugee camps for individuals displaced by civil war or political strife are targets for recruitment-by-abduction schemes. Displacement due to a natural disaster also makes some vulnerable, particularly children and teenagers, to this type of recruitment. Examples include individuals displaced, particularly children orphaned or separated from their parents or caregivers due to tsunamis (e.g. Indonesia, 2004) or earthquakes (e.g. Nepal, 2015).

**INSTRUCTOR NOTE:** Although more targeted toward domestic disaster evacuation centers, the following resource published by the Centers for Disease Control and Prevention (<https://www.cdc.gov/disasters/human_trafficking_info_for_shelters.html>) is useful aspart of the discussion.

Victims are often marketed to via:

* Internet ads and smart device apps
* Personal ads
* business cards and flyers
* marriage bureaus
* social networking sites

Internet ads and apps are continually adapting. Pressures from citizens, Attorneys General, and other organizations have forced some sites to close “Adult Services” pages. Traffickers continue to seek internet sites and other apps to cater to their ads.

INSTRUCTOR NOTE: Spend a few minutes going over the more popular internet sites and apps in use today. This list may be customized and made more specific to what is seen in your area. Optional – Video briefly introduces social media and internet safety for minors. Time code: 36:30-42:35

## The student will be able to list the methods of force, fraud, and coercion that human traffickers use to control their victims.

The methods used to control victims are force, fraud, and coercion.

* Force examples include:
  + beating
  + torture
  + sexual assault
  + burning
  + drug addiction
  + branding or tattooing
  + confinement
* Fraud examples include:
  + false promises of marriage or employment
  + deceitful enticing and affectionate behavior, “the boyfriend”
  + withholding wages
  + misrepresentation of working conditions
  + misrepresenting the promise of a “better life”
* Coercion examples include:
  + threats of serious harm or restraint
  + intimidation/humiliation
  + emotional abuse
  + control of daily lives and brainwashing
  + threats to family members
  + deportation threats
  + confiscation of documents such as passports or driver’s license

# UNIT 2. Role of Local Law Enforcement in Human Trafficking

## The student will be able to explain the critical role that law enforcement plays in the identification of human trafficking and how to build strong cases.

Local law enforcement is in the best position to see, interact, and intervene in the identification of human trafficking victims and provide the tools for successful prosecution of traffickers. This crime is one that will require officers to be acutely aware of the indicators of human trafficking and the key questions to ask. Human trafficking may be prosecuted at both the state and federal levels and will require the collaboration of every level of law enforcement along with non-governmental organizations (NGOs). Human trafficking cases frequently involve numerous incidents over long spans of time, and veteran prosecutors will use visual landmarks to anchor the memories of judges and jurors during specific portions of testimony.

Human trafficking cases can be time consuming and difficult, and they pose a challenge to prosecutors, investigators, and victim service providers alike. Successful criminal investigations and prosecutions flow from positive partnerships and collaboration among criminal investigators and prosecutors, a myriad of service providers (depending on the victim’s needs), and civil and immigration attorneys (depending on the victim’s national status).

Human traffickers work across jurisdictions; therefore, law enforcement must have a strong network of other providers to be positioned to be effective. Navigating complex jurisdictional dynamics often involves a multitude of investigators and prosecutors at the federal, state, and local levels who may not have worked together before or who have a complicated past history. Successful human trafficking investigations depend on overcoming such barriers to create practical and functional cooperation.

Human trafficking investigations are purposely victim centered because the victim often supplies the most critical evidence. Victims must be stabilized both mentally and physically and must feel safe before investigators can begin in-depth interviews and service providers and civil attorneys can provide essential support. Productive interviews are more likely when a victim feels safe and is ready to talk; creating an environment of trust can take time. In some instances, investigators may need to conduct early and brief victim interviews to obtain facts that are key to seeking, obtaining, and executing a search warrant for evidence that could be destroyed by traffickers or their accomplice(s) during any delays.

Prosecutors and law enforcement can experience challenges in successfully bringing human trafficking cases to closure. Working closely with local and federal law enforcement partners and victim service providers will play a role in overcoming challenges, making it more likely that perpetrators are brought to justice.

**INSTRUCTOR NOTE:** Refer to resources found within the Human Trafficking Task Force eGuide (<https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/resources-55-strategies-for-prosecutors-and-law-enforcement/>) on elements that can assist with or help build strong case files.

## 3.1The student will be able to list laws used to prosecute human trafficking including alternative charges and their use in the victim-centered approach.

When writing investigative reports or presenting a human trafficking case in court, investigators and prosecutors should use victim-sensitive language and choose themes in their case that convey an understanding of the control that the defendants exert on their victims. As such, an investigator should know and use existing Federal and State laws to interdict Human Trafficking. Trafficking often coincides with and involves multiple other crimes so the investigator should know and use alternative charges. This best utilizes the victim-centered approach to combat trafficking by placing equal value on the identification and stabilization of victims as well as investigating and prosecuting traffickers. These charges might include:

* Promotion of prostitution
* Aggravated promotion of prostitution
* Money laundering
* Engaging in organized criminal activity
* Mann act (federal)
* Transportation in aid of racketeering enterprises (federal)

In the end, each count in the indictment must “carry its own weight” in the case; that is, each count must create a tactical or strategic advantage for the prosecution. Examples of proper “charge advantages” include:

* Helping to establish the admissibility of key evidence
* Overcoming potential procedural bars, such as the statute of limitations
* Supporting the joinder of different defendants or charges within a single proceeding
* Avoiding compromise verdicts or ensuring the felonization of the defendants with “safety-net” charges (i.e., the inclusion of less serious but easier to prove violations)
* Increasing the ultimate sentence of the defendant or the availability of other remedies post-trial

When prosecuting human trafficking cases with minor victims, remember that the Child Sex Trafficking Team (CSTT) in the Office of the Governor is fighting to end child sex trafficking and to help its young victims. The mission is to build sustainable capacity, enhance expertise, promote policies, and create new and leverage existing collaborations to:

* Protect children from sexual exploitation
* Help the public recognize signs of sexual exploitation
* Help victims recover
* Support healing
* Bring justice to those who exploit children.

To ensure that survivors are treated not as perpetrators but with trauma-informed care, CSTT is building the capacity and expertise of existing child protection, juvenile justice, criminal justice, and healthcare systems to improve existing responses to exploited youth. CSTT is also developing new services in the recovery of victims: drop-in centers, emergency shelters, juvenile justice-based counseling and case management programs, and Commercially Sexually Exploited Youth (CSEY) advocacy programs that provide crisis intervention, ongoing case management, and healthy, supportive relationships that help survivors heal and thrive.

CSTT is also partnering with the Children’s Advocacy Centers of Texas to develop Survivor Care Coordination processed for multi-disciplinary teams made up of law enforcement, child protection, juvenile justice, and medical and community services. Care Coordination will ensure that the response to an identified victim will be child-centered, trauma-informed and coordinated for maximum effect and support for the child. For a list of current efforts on care coordination, visit <https://gov.texas.gov/organization/cjd/child-sex-trafficking-recover>

CSTT further supports recovery by:

* Enhancing the National Human Trafficking Hotline to help with timely recovery of victims and effective referrals;
* Training and equipping all stakeholders to provide victim-centered, trauma-informed responses

Additional items to keep in mind when prosecuting human trafficking cases are:

* Trafficking Victims Protection Act - Federal Law (Title 8 USC Chapter 77 Section 1581) protects both U.S. citizens and non-citizens
* Enforcement of Texas Penal Code Section 20A.02
* Building partnerships with non-governmental organizations and other public agencies
* Look “beneath the surface” to determine if human trafficking is occurring within your jurisdiction

## The student will be able to identify the Trafficking Victims Protection Act (TVPA) as the federal legislation used to prosecute human trafficking.

Prior to 2000, there was no comprehensive federal law to protect victims of trafficking or to prosecute traffickers. The Trafficking Victims Protection Act (TVPA) laid the groundwork for the federal response to human trafficking when it was signed into law October 2000 and has been re-authorized multiple times by Congress. The TVPA made human trafficking a federal crime and consolidates the protections of the 13th Amendment, which abolishes slavery, and the various immigration and organized crime laws (racketeering laws) that are frequently violated when traffickers, particularly those with organized crime connections, illegally transport a victim into the United States. Regardless of the type of victim service providers, law enforcement must establish and maintain a working relationship.

The three key components of TVPA are:

* Prevention through public awareness and education by working with Non-Governmental Organizations (NGOs) who provide research and educational support materials and personnel.
* Protection through services and benefits to help victims rebuild their lives such as:
  + temporary residency
  + financial assistance
  + health care
  + job training
  + reintegration into main stream society
* Prosecution through new law enforcement tools and efforts which:
  + define human trafficking as a crime
  + set appropriate sentencing terms for traffickers
  + require restitution by traffickers
  + provide witness protection for victims

The TVPA permits prosecution:

* Where non-violent coercion is used to force victims to work
  + Threats to harm family in home country
  + Threats to have victim deported
  + Threats to harm 3rd person
  + Any other plan or scheme designed to convince the victim physical harm or restraint will be used against the victim or another
* Where victim’s service is compelled by confiscation of their personal identification documents such as:
  + Immigration papers/passport
  + Visas
  + State issued Driver’s License or ID card
* In sex trafficking cases involving minors there is no requirement to prove the trafficker knew the victim was under 18 years of age

The TVPA provides:

* Increased prison terms for all slavery violations up to 20 years; adds life imprisonment if it involves death, kidnapping, or the sexual abuse of victim
* Restitution and/or forfeiture of assets upon conviction
  + payment of lost wages and overtime (FSLA Standards)
  + forfeiture of property bought by the trafficker using victim’s lost income
* Witness protection and legal immigration status
  + Victim and family members may be included in witness protection programs, if needed
  + Issuance of a T non-immigrant status (T-visa) enabling victims to remain in the United States for up to 4 years if they have assisted law enforcement in investigation or prosecution of human trafficking. This is also available for certain qualifying family members of trafficking victims.
* Access to Federal public benefits and services
  + T-visa determines status to receive social services
  + Benefits considered appropriate by U.S. Attorney General based on Trafficking Victims Protection Reauthorization Act of 2017

**INSTRUCTOR NOTE:** The TVPA Reauthorization Act of 2017 can be found at: <https://www.govtrack.us/congress/bills/115/s1862>

The 2017 Reauthorization bill amends the Trafficking Victims Protection Act of 2000 to modify: (1) the criteria for determining whether countries are meeting the minimum standards for the elimination of human trafficking, and (2) actions to be taken against countries that fail to meet such standards

**INSTRUCTOR NOTE:** It may also be helpful to discuss thePreventing Sex Trafficking and Strengthening Families Act of 2014 (<https://www.ncsl.org/research/human-services/preventing-sex-trafficking-and-strengthening-families-act-of-2014.aspx>) and the Justice for Victims of Trafficking Act of 2015 (<https://polarisproject.org/blog/2016/05/justice-for-victims-of-trafficking-act-one-year-later/>).

## The student will be able to identify the elements of the State of Texas Penal Code Section 20A Trafficking of Persons.

Title 5. Offenses Against the Person. Chapter 20A. Trafficking of Persons

Sec. 20A.01. Definitions. In this chapter:

(2) "Forced labor or services” means labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor’s use of force, fraud, or coercion.

(3) “Sexual conduct” has the meaning assigned by Section 43.25.

(4) “Traffic” means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.

Sec. 20A.02. Trafficking of Persons.

(a) A person commits an offense if the person knowingly:

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(a-1) For purposes of Subsection (a)(3), “coercion” as defined by Section 1.07 includes:

(1) destroying, concealing, confiscating, or withholding from a trafficked person, or threatening to destroy, conceal, confiscate, or withhold from a trafficked person, the person’s actual or purported:

(A) government records; or

(B) identifying information or documents;

(2) causing a trafficked person, without the person’s consent, to become intoxicated, as defined by Section 49.01, to a degree that impairs the person’s ability to appraise the nature of the prohibited conduct or to resist engaging in that conduct; or

(3) withholding alcohol or a controlled substance to a degree that impairs the ability of a trafficked person with a chemical dependency, as defined by Section 462.001, Health and Safety Code, to appraise the nature of the prohibited conduct or to resist engaging in that conduct.

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(2) the commission of the offense results in the death of the person who is trafficked; or

(3) the commission of the offense results in the death of an unborn child of the person who is trafficked.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

Sec. 20A.03. Continuous Trafficking of Persons.

(a) A person commits an offense if, during a period that is 30 or more days in duration, the person engages two or more times in conduct that constitutes an offense under Section 20A.02 against one or more victims.

(b) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense under Section 20A.02 or on which exact date the defendant engaged in that conduct. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, engaged in conduct that constituted an offense under Section 20A.02.

(c) If the victim of an offense under Subsection (a) is the same victim as a victim of an offense under Section 20A.02, a defendant may not be convicted of the offense under Section 20A.02 in the same criminal action as the offense under Subsection (a), unless the offense under Section 20A.02:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 20A.02 is alleged to have been committed against the same victim.

(e) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years.

Sec. 20A.04. Accomplice Witness; Testimony and Immunity.

(a) A party to an offense under this chapter may be required to provide evidence or testify about the offense.

(b) A Party to an offense under this chapter may not be prosecuted for any offense about which the party is required to provide evidence or testify, and the evidence and testimony may not be used against the party in any adjudicatory proceeding except a prosecution for aggravated perjury. For purposes of this subsection, “adjudicatory proceeding” means a proceeding before a court or any other agency of government in which the legal rights, powers, duties, or privileges of specified parties are determined.

(c) A conviction under this chapter may be had on the uncorroborated testimony of a party to the offense.

## The student will be able to identify the Texas Penal Code offense classification if the trafficking victim is younger than 18 years of age at the time of the offense.

Title 5. Offenses Against the Person. Chapter 20A. Trafficking of Persons

Sec. 20A.01. Definitions. In this chapter:

(1) “Child” means a person younger than 18 years of age.

Sec. 20A.02. Trafficking of Persons.

(a) A person commits an offense if the person knowingly:

(5) traffics a child with the intent that the trafficked child engage in forced labor or services;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution)

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time of the offense;

(d) If the victim of an offense under Subsection (a)(7)(A) is the same victim as a victim of an offense under Section 21.02, a defendant may not be convicted of the offense under Section 21.02 in the same criminal action as the offense under Subsection (a)(7)(A) unless the offense under Section 21.02:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense under Subsection (a)(7)(A) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a)(7)(A).

## The student will be able to discuss the charges associated with compelling and promoting prostitution, and the issue of prosecuting the victim on prostitution charges.

Sec. 43.05. Compelling Prostitution.

(a) A person commits an offense if the person knowingly:

(1) causes another by force, threat, or fraud to commit prostitution; or

(2) causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time the actor commits the offense.

(b) An offense under this section is a felony of the first degree.

Often traffickers violate other state laws such as:

Money Laundering PC 34.02

Murder PC 19.02

Assault Offenses PC 22.01

Aggravated Sexual Assault PC 22.021

Sexual Assault PC 22.11

Compelling Prostitution PC 43.05

Organized Criminal Activity PC 71.02

Seizure of Assets CCP Chapter 59

Mann Act Title 18 U.S.C. Chapter 117 Section 2421-2424

Racketeering Title 18 U.S.C Chapter 95 Section 1952

# UNIT 3. Indicators of Human Trafficking

INSTRUCTOR NOTE: Optional – Video

* Labor trafficking red flags. Time code: 16:58-17:41
* Sex trafficking red flags. Time code: 24:12-24:56
* Sex trafficking case in The Woodlands with neighbors reporting. Time code: 4:14-8:42
* Case in Houston of labor trafficking a nanny. Time code: 13:20-15:56
* Sex trafficking case in Madisonville with neighbor reporting. Time code: 17:41-22:06
* Sex trafficking case in Dallas with neighbor reporting. Time code: 42:36-47:01

## The student will be able to identify indicators of a human trafficking victim including environmental, visual, and behavioral cues.

Environmental indicators:

* Living conditions, lack of furniture or personal items
* Living/working in same place, list address as business location
* Smuggling or other debt owed to employers
* Working conditions; no safety equipment
* Restriction of movement such as bars or locks (uncommon)
* Building security or cameras

Visual victim indicators:

* Control; lack ability to move freely or leave job
* Signs of physical abuse
* Intense fear/depression
* Branding/tattooing
* Drug addiction
* Control of a worker’s documents
* Recent arrival from a source/transit country

Behavioral indicators:

* May not identify as a victim
* May appear to by lying or using rehearsed stories
* May seem to change stories over time
* May seem dependent on trafficker
* May not want family to know of his/her circumstances
* May show symptoms of learned helplessness
* May have some kind of cultural or religious background that deter them from telling the full story
* May be reluctant to speak to someone with a gun, badge, or uniform
* May be fearful for their family’s safety in home country

Note: Behavior indicators should not be used as a sole indicator of a trafficking situation. Each victim behaves differently and multiple indicators should be used together in context.

## The student will be able to explain characteristics of domestic victims that may affect their cooperation in human trafficking investigations.

In addition to the prior environmental, visual, and behavioral characteristics listed, the following indicators may be a factor when dealing with domestic victims:

* May lie about their age and use false identification
* May not fit stereotype of a victim (juvenile delinquent, at-risk youth, or runaway)
* May think of trafficker as “boyfriend” and be reluctant to provide information
* May have been trafficked by a family member
* May be a runaway or reported as a missing child
* May have been abused or sexually abused at home

Note: These indicators should not be used as a sole indicator of a trafficking situation. Each victim behaves differently and multiple indicators should be used together in context.

**INSTRUCTOR NOTE:** Refer to the publication “Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth” found at: <https://fieldcenteratpenn.org/wp-content/uploads/2013/05/6230-R10-Field-Center-Full-Report-Web.pdf> as part of the discussion regarding youth.

## The student will be able to explain characteristics of international victims that may affect their cooperation in human trafficking investigations.

In addition to the prior environmental, visual, and behavioral characteristics listed, the following indicators may be a factor when dealing with international victims:

* Their current situation may still be better than where they came from
* May be unaware of their rights or have been misled
* Often blame themselves for their situations
* Have a loyalty to the trafficker
* Distrust outsiders, especially law enforcement and fear deportation or arrest
* Do not speak English and lack cultural knowledge
* Fearful for safety of families left behind

Note: These indicators should not be used as a sole indicator of a trafficking situation. Each victim behaves differently and multiple indicators should be used together in context.

# UNIT 4. Communicating with Human Trafficking Victims

## The student will be able to explain the communication barriers associated with human trafficking victims including deportation fears, distrust of law enforcement, and lack of victim self-identification.

Officers must recognize that anyone has the potential of becoming a human trafficking victim. Circumstance, lifestyle, and poor choices may provide a trafficker with the needed opportunity to victimize persons from all walks of life. Victims can include:

* Men, women, and children
* Domestic – U.S. citizens and residents within the United States
* International – foreign nationals across international borders
* Desperate, vulnerable, and impoverished persons

Always try to look beneath the surface. The next prostitute, exotic dancer, illegal immigrant, runaway youth, domestic servant, or migrant worker you encounter or take into custody may be a victim of human trafficking.

The following items illustrate how victims of trafficking may see themselves and their situations. It highlights the challenges that you may face as a law enforcement officer when interacting and communicating with potential victims.

* Traffickers purposefully isolate victims from a positive support structure and foster controlled environments where the victim is kept in a state of complete dependency. Victims may fear physical retaliation or reunification with traffickers and/or abusive family. Investigate services/placement elsewhere for the individual.
* Does not identify as a victim. Victims from all cultures and any type of trafficking may be profoundly ashamed of the activities they have performed. Self-blame often links closely to low self-esteem and is often reinforced by traffickers. In the face of an extremely psychologically manipulative situation, trafficked persons may engage in self-blaming attitudes Reiterate the point that “you are a victim, not a criminal; what is happening to you is wrong.”
* Traffickers teach their victims to distrust outsiders, especially law enforcement. Victims may have a sense of fear and/or distrust toward the government, police, and service providers. Sometimes they feel that it is their fault that they are in this situation. As a coping or survival skill, they may develop loyalties and positive feelings toward their trafficker or may even try to protect them from authorities. Work to build trust and rapport with the victims.
* Over a long period of enduring severe levels of trauma, physical abuse, and psychological manipulation, victims demonstrate resilience strategies and defense mechanisms that normalize the abuse in their minds. Victims are hesitant to come forward because of their fear of legal action, to include being deported. While many of these victims are women and children who have been beaten and/or raped, their current situation may still be better than where they came from. Aim to focus their perspective on the elements of the crimes that have been committed against them.
* Feelings of unfamiliarity or fear of the unknown provide obstacles to leaving a trafficking situation. These feelings are exacerbated by language and social barriers. Victims come from different social and ethnic backgrounds than the investigating officers and there may be significant cultural differences between the victim and U.S. law enforcement officials. Focus on improving your investigating and communication strategies as well as building a network of support to help with these cases.
* Severe physical retaliation is often combined with threats to hold victims in a constant state of fear and obedience. Traffickers purposefully control the information that victims receive, ensuring there is a lack of awareness to any resources or services designed to help them. Victims may be completely unaware of their rights or may have been intentionally misinformed about their rights in this country. Determine the best way to communicate rights and availability of services to best serve the victim.
* Many victims do not self-identify as victims. They also do not see themselves as people who are homeless or as drug addicts who rely on shelters or assistance. In certain trafficking networks, traffickers provide addictive substances to their victims to foster longer-term drug addiction and monetary dependency. Victims may not appear to need social services because they have a place to live, food to eat, medical care and what they think is a paying job. Look past the obvious; learn to look beneath the surface, probe with direct questions, and to realize many victims are suffering in plain sight.
* Victims may fear not only for their own safety but also for that of their families in their home countries. Some traffickers threaten that they will harm their victims’ families if the victims report their situation to, or cooperate with, law enforcement. High levels of dependency and learned helplessness often lead victims to stay in their situation rather than face the uncertain path of leaving or reaching out to family for help. Determine the best path for gaining the victim’s trust and assuring the victim’s family will not be harmed.

Note: The list represents all forms of trafficking and potential victims. These items are not meant to be interpreted as present in all cases, nor is it intended to be all inclusive. Criminal prosecution should empower the victims and should facilitate their healing process so that they see the crimes committed against them condemned and the people who harmed them punished. This places a focus on the victim-centered approach while giving the best opportunity for successful prosecution of traffickers according to the crimes they committed as part of the trafficking operation.

Source: Modified from “Understanding Victim Mindsets” by the National Human Trafficking Hotline (<https://humantraffickinghotline.org/resources/understanding-victim-mindsets>).

## The student will be able to identify considerations when interviewing human trafficking victims including interviewing techniques.

Interviewing human trafficking victims will require a revised skill set since there may be a language barrier or the victim may present initially as a suspect in an underlying criminal offense, i.e. prostitution. Officers must first recognize they are talking with a potential victim and adjust their questions, demeanor, and even the setting to accommodate the needs of the victim. Patience is a must since the victims may initially provide practiced lies or half-truths based on the trafficker’s prior threats of deportation, relocation, or torture from the trafficker. Providing for basic needs (food, clothing, or shelter) prior to interviewing, when appropriate and if possible, will help establish rapport and assure the victim they can tell their story.

When a youth is identified as a victim of trafficking, engage with your local Children’s Advocacy Center (CAC) to schedule a forensic interview. A forensic interview is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse and/or exposure to violence. Due to the dynamics of child sex trafficking, trained forensic interviewers conduct neutral, fact finding interviews while being sensitive to issues such as trauma bonds, dissociation, substance abuse, mental illness, or suicidal ideation. It is important to note that disclosure is a process, not a one-time event, particularly in child sex trafficking cases. Multi-session forensic interviews may be recommended.

* Texas Family Code Section 264.401-411: Defines CACs; contains mandates, requirements, and protections; allows for sharing of confidential case information.
* Texas Family Code Section 261.3126: Promotes co-location of Department of Family and Protective Services and local law enforcement investigators at CACs, where feasible.

**INSTRUCTOR NOTE:** Refer to “How Does the CAC Model Work?” flowchart for further discussion on the CAC model (<https://www.nationalchildrensalliance.org/cac-model/>). If time allows, reach out to your local CAC to have an agency representative speak to the class regarding the role of the CAC in child abuse investigations.

While no single indicator confirms the existence of child sex trafficking, several indicators combined can mean it is more likely that a minor is being exploited or is actively being targeted and recruited. Look for following indicators during an interview:

* Behavioral indicators
  + Child has a significant change in behavior, including increased virtual behavior, or associates with a new group of friends
  + Child avoids answering questions or lets others speak for him or her
  + Child appears frightened, resistant, or belligerent to law enforcement
  + Child lies about his or her age and identity
  + Child looks to others before answering questions
  + Child does not ask for help or resists offers to get out of the situation (does not self-identify as a victim)
  + Child seems coached in talking to law enforcement
  + Child uses trafficking-related terms like “Trick,” “The Life,” or “The Game”
  + Child is preoccupied with “getting money” (e.g., displaying photos of cash)
* Physical indicators
  + Child has multiple cell phones and/or electronic devices
  + Child has large amounts of cash or pre-paid credit cards
  + Child has no ID or ID is held by another person
  + Multiple children are present with an unrelated male or female
  + Child has unusual/unexplained sexual paraphernalia (e.g. bulk condoms or lubrication)
  + There is evidence the child has been or will be traveling; child lives out of suitcases, at motels, or in a car
  + Child has a name or symbol tattooed, burned, or branded onto his or her body, particularly when coupled with the child’s reluctance to explain the tattoo, the child’s tattoo matches other children’s tattoos, the tattoo indicates money or ownership (e.g. MOB, barcode, or $)
  + Child references traveling to other cities or states or is not from the current location; the child may also lack knowledge of his or her travel plans, destinations, and/or his or her current location.
  + Child has hotel keys, hotel receipts, or other items from a hotel/motel
  + Presence of an overly controlling or abusive boyfriend or older female
  + Child has notebooks or slips of paper containing phone numbers, dollar amounts, names, or addresses
  + Child has items or an appearance that does not fit his or her current situation (e.g., a homeless or runaway child who has money, electronics, new clothes or shoes, and who has his or her hair and nails done)
  + Child references online classified ads or escort websites
  + Child references traveling job opportunities (including modeling, singing and/or dancing in a music group, or magazine sales crew)
  + Child has unaddressed medical issues or who goes to the ER or clinic alone, or with an unrelated adult
  + Child is recovered at a hotel, street track, truck stop, or strip club

Interviewing techniques to utilize when dealing with a victim:

* Look for comfortable space with no physical barriers
* Depending on policy, do not videotape or audiotape initial conversation
* Prepare questions prior to your interview
* Use informal conversation
* Use your local children’s advocacy center when interviewing minors
* Do not make promises you cannot keep
* Keep note taking to a minimum during the interview
* Allow victim to set length and pace; be patient
* Watch for body language cues
* Give victims them their choice of gender of their interviewer whenever possible

## The student will be able to identify appropriate questions to ask and the immediate needs of the victim during an interview that assist in victim identification.

Victims must be placed at ease and feel secure during the interview and reassured they will get the proper resources to recover. Victims are usually coached on what to say when questioned by law enforcement so be sure to ask questions in a non-threatening manner as victims may fear authority figures and may also be concerned about being in the country illegally. Officers should carefully consider the answers to these questions and be aware victims to scripted and coached responses. The non-verbal cues of appearance and demeanor and how those relate to the answers given will also help the officer assess the situation. If an interpreter is utilized, ensure it is a disinterested third-party to ensure the correct questions and answers are relayed. Questions to ask include:

* Can you leave your job or house when you want?
* Where did you get those bruises; is anyone hurting you?
* Are you paid for your employment? Is it fair? How many hours do you work?
* Are you or your family being threatened? Do you feel like your family is in danger from things you might say or do?
* Do you live with or near your employer? Does your employer provide you housing? Are there locks on doors or windows from outside that you cannot control?
* Do you owe debt to anyone?
* How many people do you live with?
* What were you told to say to the police or immigration?
* If foreign national:
  + How did you enter/get to the U.S. and is it what you expected?
  + Are you being forced to do anything you don't want to do?
  + Who was in control of documents during your travel to the United States?
  + How did you pay for your travel to the United States?
  + Who made the travel arrangements for you to enter the United States?
  + Who did you travel with to the United States?

**INSTRUCTOR NOTE:** Refer to the Asian Pacific Institute on Gender-Based Violence language access, interpretation, and translation tip sheets found at: <https://www.api-gbv.org/culturally-specific-advocacy/language-access/> as part of the class discussion.

The investigation of human trafficking has some similarities to both Assault Family Violence and to Sexual Assault (when the trafficking is commercial sex trafficking). Techniques and protocols from both of those offenses should be used when conducting an investigation. Tools or protocols to consider:

* Do not pressure the victim to give any statements right away
* Take photos of the victim and any tattoos (branding)
* Identify and capture any social media, internet postings, etc. used to traffic the victim and document and archive the pages/information
* Determine who is renting/paying for any rooms used by the victim
* Take all cell phones for phone numbers and digital forensic information/analysis
* Get the victim a sexual assault exam if possible for commercial sex trafficking, as well as any other medical treatment the victim might require

## The student will be able to explain why victims may be reluctant to provide information about their traffickers.

Victims may have little or no personal items with them when contacted. What they do have might be provided by their traffickers such as their clothing and food sources. Victims might be more likely to provide information if they understand they will have support such as:

* Additional basic needs including medical, food, safety and security, language interpretation and legal services
* Housing needs that are safe and secure, culturally and linguistically appropriate, age and gender appropriate. Housing that is set up to help victims includes emergency shelters, homeless shelters, youth shelters, domestic violence shelters, and hotel vouchers.
* Mental health assistance including counseling
* Income assistance including cash allowance and living assistance
* Legal status assistance including a T-visa, immigration, certification, guardianship issues

Once a human trafficking victim is identified, the need for law enforcement to begin reaching out for assistance is critical. Local and state agencies can support the investigation and prosecutions while the NGOs support the victim with both immediate and longer-term needs. Turf wars between any or all the partners can result in the loss of valuable time, evidence and eventually the prosecution meaning the victim will become a victim once again. Human Trafficking cases can be complex and can quickly overwhelm an agency’s ability to respond, investigate, prosecute, and support victims. Cooperation between local and state law enforcement is essential. Law enforcement should involve community and NGO support for victims from the onset.

# UNIT 5. Non-Governmental Organizations’ Role in Human Trafficking

## The student will be able to identify examples of non-governmental organizations that can assist victims through collaboration with law enforcement.

Non-governmental organizations (NGOs) fill many needs that law enforcement are not equipped or funded to meet. The need to build cooperative relationships with NGOs can not be overstated as they are ready to support law enforcement immediately upon discovery of a potential victim. NGOs stand ready to fill both immediate and long-term needs of human trafficking victims once they are notified of the scope of the need. NGOs range in size from local church charities to nationally recognized resources. Both have a role and should be contacted in advance to determine how each can assist in the time of need. Waiting until the need is present will delay victim assistance; relationships should be established and cultivated regularly. Examples include:

* Red Cross
* Salvation Army
* Religious organizations
* Polaris Project
* Children’s Advocacy Centers (CACs)
* UnBound
* Voice of Hope (Lubbock, Texas)
* For the Silent (East Texas)
* SAFE (Austin area)
* MOSAIC (Dallas area)

**INSTRUCTOR NOTE:** The NGO list above is not meant to be exclusive. Refer to the following websites when discussing NGOs. Ask students to share and discuss other resources in their communities.

* UnBound (<https://www.unboundnow.org>)
* Voice of Hope (<https://www.voiceofhopelubbock.org/>)
* Traffick 911 (<https://www.traffick911.com/>)
* For the Silent(<https://www.forthesilent.org/>)
* SAFE (<https://www.safeaustin.org/>)
* MOSAIC (<https://mosaicservices.org/>)

## The student will be able to explain why working with NGOs is essential in meeting the needs of human trafficking victims.

Despite their sometimes-limited resources, funding, training, and access to information, most NGOs are the leader in combating trafficking in their respective location. NGO’s and victim advocates should always be present during an interview unless the victim requests that they be absent. The advocates play a vital role in victim interviews. When the victim is a child, the interview is conducted by a CAC forensic interviewer. NGOs convey a sense of safety and trust to emancipated victims—which is critical. Working with NGOs will lead to a successful investigation, prosecution, and victim rehabilitation. This always requires collaboration between law enforcement and non-governmental organizations.

Keep the following considerations in mind when working with NGOs to meet the victim’s needs:

* Data and intel sharing Memorandum of Understandings (MOUs) need to be in place before or at the onset
  + Ensure a clear understanding of roles, responsibilities, processes, and protocols for identifying and serving victims of human trafficking, and
  + Build and/or enhance collaborative efforts between law enforcement and trafficking victim service providers that help leverage limited resources which strengthen, not duplicate, existing victim service efforts.
* NGOs have expertise not found in most law enforcement agencies
* NGOs need information about clients to be able to effectively assist the victims.
* NGOs have safety concerns such as building security and retribution from traffickers.
* NGOs need the trust of law enforcement and government agencies and vice versa.
* NGOs priorities may differ from those of law enforcement

INSTRUCTOR NOTE: Discuss protocol in the student’s department. If their department does not have one or student is unaware, discuss resources for investigating, writing, or implementation of such a process. You can discuss the Human Trafficking Task Force eGuide sections 2: Forming a Task Force and 3: Operating a Task Force (<https://www.ovcttac.gov/taskforceguide/eguide/>) and the 2020 IACP publication “Development & Operations Roadmap for Multidisciplinary Anti-Human Trafficking Task Forces” (<https://www.theiacp.org/resources/document/development-operations-roadmap-for-multidisciplinary-anti-human-trafficking-task>).

## The student will be able to identify the physical and mental medical needs of victims that NGOs are best setup to provide.

Trafficking victims often require basic, but immediate, medical care including screening for public health issues such as tuberculosis and sexually transmitted diseases. Mental health is another service that must be offered as victims often suffer both physical and mental abuse. NGOs health concerns and capabilities include:

* Screen victim immediately for injury and illness
* Victims may have physical and mental medical needs such as:
  + General physical
  + Documentation of injuries and scars
  + Tuberculosis test
  + STD/HIV screening
  + Pap smear
  + Nutrition assessment
  + Dental exam/cleaning
  + Eye test
  + Post-traumatic stress symptoms
  + Depression
  + Anxiety disorder
  + Rape trauma syndrome
  + Suicidal thoughts
  + Paranoia
  + Spiritual disruption
  + Fatalism and rage
  + Drug addiction

## The student will be able to identify NGO resources available to their local department/agency.

Proactive development of local/regional NGO partnerships is essential for immediate victim response needs. Resources include:

* 211 System (Statewide victim resource)
* Local charities and/or churches
* United Way
* Salvation Army

The National Human Trafficking Resource Center is a national anti-trafficking hotline and resource center serving victims and survivors of human trafficking and the anti-trafficking community in the United States. The toll-free hotline is available to answer calls from anywhere in the country, 24 hours a day, 7 days a week, every day of the year in more than 200 languages. The Center serves all individuals who reach out for services regardless of race, ethnicity, national origin, immigration status, religion, age, disability, sex, gender identity, gender expression, or sexual orientation.

* Website: <https://humantraffickinghotline.org/>
* Phone: 1-888-373-7888

The National Center for Missing and Exploited Children (NCMEC) is the nation’s clearinghouse and comprehensive reporting center for all issues related to the prevent of and recovery from child victimization—to include abduction, abuse, and exploitation.

* Website: <https://www.missingkids.org>
* Phone: 1-800-THE-LOST

**INSTRUCTOR NOTE:** Additional information on human trafficking via governmental sources can be found at the Department of Health and Human Services (<https://www.acf.hhs.gov/otip>), the Runaway and Homeless Youth Training and Technical Assistance Center (<https://www.rhyttac.net/>) and the U.S. Department of State (<https://www.state.gov/policy-issues/human-trafficking/>).

# UNIT 6. Conclusion

## The student will be able to review their role as a law enforcement officer in possible or confirmed human trafficking cases.

In possible or confirmed human trafficking cases, law enforcement officers should:

* Take a closer look and look beneath the surface for clues that may indicate or confirm trafficking
* Help build and prosecute crimes at the state and federal level. Focus on a victim-centered approach.
* Cooperate with prosecuting attorneys, social services, and federal authorities.
* Call the U.S. Department of Homeland Security for investigative assistance such as checking immigration status. The Law Enforcement Support Center Field Offices operates 24 hours a day, 365 days a year. The Center can be contacted directly at 802-872-6020.
* Obtain a native speaker for the investigation if the victim’s native language is not English.

## The student will be able to explore case summaries through class discussion.

Human trafficking cases evolve in the same fashion as any other investigation; a reactive response to a call for service or a proactive operation based on input that lacks anything other than the most general information. Current cases illustrate the need to be observant and look beyond the “common” charges and be willing to ask probing questions about motivation and circumstance. By questioning beyond the basic elements of the underlying crime, i.e. prostitution or a wage dispute, officers may find that the call is much broader than initially anticipated.

**INSTRUCTOR NOTE:** Additional case studies beyond those listed in this section can be leveraged from your local area or the publication “Ten Years of Sex Trafficking Cases in the United States” found at: <https://humantraffickinghotline.org/resources/ten-years-sex-trafficking-cases-united-states>.

**Case 1: “Assist Outside Agency”**

Investigators from the Office of the Attorney General (OAG) Criminal Investigations Division (CID) were assisting Texas Alcoholic Beverage Commission (TABC) in conducting a bar check. As the agents arrived a Hispanic male was seen running from a fenced area on the property. The subject saw the agents arrive while he was looking over a tall, solid fence. The agents went inside and made contact with a Hispanic female working behind the bar. TABC agents informed her they would be conducting a bar check. The agents entered an area located behind the bar but only accessible from inside the bar. An officer safety check was conducted, based on prior experience of TABC finding weapons on the premises, on the area inside the fence and outside the building for the subject who ran as the agents arrived then the agents reentered the bar. The officer safety check continued and a second fenced area was located. As the agents looked over another fence, inside the original fenced area, a Hispanic male and female were seen walking towards the agents. The agents asked the couple to open the gate and once the agents entered the area the couple admitted to having sex inside the building. The couple took the agents inside the structure which contained approximately 20 rooms with only mattresses on wooden frames.

A Spanish speaking officer was requested. The officer interviewed several other females in the bar, and it was determined one of the victims had been kidnapped in Mexico three years prior and had been forced into prostitution at the bar. The victim was 14 years old when she was abducted and currently had a child that was 14 months old; the trafficker is suspected of being the father. The trafficker maintained control of the child during the day to compel the mother to work as a prostitute. The victim did not have access to keys, vehicles, or housing.

The District Attorney requested interview statements (while agents were still on scene) along with photographs. Support services for the victim were notified and they subsequently responded. The agents attempted to locate the child but were unsuccessful. Police escorted the victim to the shelter location to ensure the trafficker or his agents did not follow and attempt to re-abduct the victim. The child was located and rescued later in the evening.

Charges were filed against the trafficker for compelling prostitution and assault/family violence initially. Trafficking in Persons charges will also be pursued. The case also resulted in undercover operations being conducted against the bar targeting human trafficking for prostitution.

Initial Contact: Bar check by TABC

Human Trafficking Indicators:

* Little or no personal possessions in work space
* Poor working conditions (location with 20 beds in small space)
* Did not speak English
* Working inside secured area (fenced area with limited access points)
* No documents for 9 of the 10 girls eventually contacted

Initial Actions:

Requested 3rd party language interpreter to assist with interviews. Outside agencies contacted for support once scope of case exceeded on-site capabilities. NGO support contacted once trafficking victim located and needs were identified. Appropriate charges filed for initial, underlying violations (Compelling Prostitution and Assault/Family Violence) and plans formulated for pursuing in-depth investigation of Trafficking in Persons charges.

**Case 2: “Outcry by Victim”**

The OAG; CID/North Texas Human Trafficking Task Force received this case as a victim outcry. The victim was able to escape, along with her three children after being held captive for over two years.

The victim arranged for her and her children to be smuggled into the U.S. using a Juarez to El Paso smuggling route. Once inside the U.S. border the smugglers demanded more money making the victim call her family in Mexico and ask for the additional cash. The family was unable to pay the additional money and the victim was placed into forced labor at a residence in El Paso. During the time they were at the residence, the victim and her daughter were forced to keep the house clean and were not paid for this service. The victim and her daughter were told they would be killed if they told anyone about their situation. They escaped from the residence and have been living in El Paso since that time.

Two suspects were identified and charged with two counts of Trafficking of Persons. Both suspects are suspected of being back in Mexico. Warrants are outstanding for their arrest after being indicted by the local Grand Jury.

Initial Contact: Victim escape and outcry. Case demonstrates common tactics used by smugglers; case begins as smuggling then turns to extortion then into trafficking (forced labor).

Human Trafficking Indicators:

* Forced to work without compensation
* Forced Labor vs. Bonded Labor
* No contract or notification of paying off a debt by working for any form of wages. Labor performed was without compensation
* Threats of death
* No documents
* Limited contact with anyone outside of traffickers

Initial Actions:

Interview of the victims and verification by follow up investigation resulted in case being filed and suspects being indicted.

**Case 3: *United States v. Rivera et al***

UNODC No.: USA150

The defendants recruited, hired, and harbored numerous Latin American undocumented immigrants in the United States to work as waitresses in Rivera’s bars. The women had come to the United States from Honduras, Guatemala, Mexico, and El Salvador. Rivera placed ads and disseminated flyers seeking waitresses in Spanish language newspapers and at local businesses frequented by Spanish-speaking migrants. After the women agreed to work as waitresses, Rivera directed them to solicit patrons to buy them alcoholic beverages, which the women were required to consume. Eventually, Rivera forced them to engage in sexual acts with the patrons in exchange for money, which he kept. Several witnesses reported that Rivera and others used violence, including sexual and physical abuse, as well as threats of deportation to compel the victims to continue to work for him and to prevent them from reporting these activities to police.

One victim testified that she was raped by a bar patron inside one of Rivera’s bars during business hours in full view of patrons and employees. Another victim testified that on one occasion, she was transported to a local hotel where a customer raped her while unconscious and awoke to find the assault watched. A third victim testified that Rivera raped her on multiple occasions and ordered a security guard to beat her. According to the victim, the security guard drove her to a deserted parking lot after work and viciously beat her. According to other testimony, Whaley, who assisted Rivera in hiring waitresses, managing the bars, and transporting the waitresses to and from the two bars, sexually assaulted one of the victims whom he was supposed to drive home. Testimony also revealed that a security guard at one of the bars assisted Rivera in illegal acts against victims, including dumping an unconscious victim on the street outside her home after he and Rivera had assaulted her. Several victims testified that their wages were often taken from them under the pretense of being placed into a short-term group savings scheme called the “Society.” These salaries were not returned, which forced the victims to remain in Rivera’s employ in the hope they would get their money back.

Discussion Points:

* What control mechanisms were utilized in the above case? AND/OR
* How was fraud used as a control mechanism?
* How was coercion used as a control mechanism?
* What options are there for dealing with the main forms of control when investigating trafficking in persons cases when:
  + Visiting premises?
  + Conducting interviews?
  + Presenting evidence to courts?
* You’ve been called to the bar due to a disturbance, what visual clues might you see that would signal the need for an investigation into sex trafficking?

**Case 4: *United States v. Justin P. Cephus et al***

UNODC No.: USA130

The defendants operated a prostitution ring based in Hammond, Indiana and often transported “their” prostitutes across the state line to Illinois to answer “calls.” The defendants recruited the victims at a local mall and through advertisements in the phone book, which indicated that the women would be working for a modeling agency.

Justin Cephus enticed dozens of females (juveniles and young women) into joining his escort agencies, assuring them that if they didn't want to engage in sex with the agencies' customers they could just answer the phone or drive another woman to the call. Those who did engage in prostitution were told that they could keep a portion of the money paid by customers, but in reality Cephus usually appropriated the entire fee. Any resistance to his orders, which included orders to have sex with customers even if the woman didn't want to, was met with threats and violence. The defendants used threats and beatings to force them to engage in commercial sex acts and they were subjected to extreme violence on occasions. For example, one woman was battered and Cephus beat her with his fists, an extension cord, a “dog bar,” and a broomstick, which he broke on her back.

Discussion Points:

* In addition to sex trafficking what other state and or federal laws were violated?
* Resolution of case: Defendants Justin Cephus and Jovan Demont Stewart were found guilty by a federal jury of numerous trafficking-related crimes, including: conspiracy to transport minor and adult females in interstate commerce to engage in commercial sex; transporting a minor in interstate commerce for the purposes of prostitution; sex trafficking by force, fraud or coercion, and sex trafficking of children. Both defendants were sentenced to life imprisonment. Defendant Haneef Jackson-Bey pleaded guilty to sex trafficking of children and was sentenced to 180 months in prison. Delbert Patterson pleaded guilty to conspiracy to commit sex trafficking and was sentenced to 57 months imprisonment. Stanton L. pleaded guilty to sex trafficking of children and was sentenced to 324 months imprisonment.

The defendants argued that this victim’s testimony that she had seen Cephus beat a dog, and that the next morning the dog was seen hanging, dead, from a cord in the garage, was both irrelevant and prejudicial, and should have been excluded from the trial. The Appellate Court ruled, contrary to this argument, that this evidence was relevant to show one of the methods by which Cephus coerced the women and girls into obeying his commands, and that it was not unduly prejudicial in light of the extensive evidence that Cephus had beaten several women who worked for him.

**INSTRUCTOR NOTE:** Additionally, incorporating survivor voices into the discussion is helpful to the student’s perspective of implementation beyond the classroom setting. Attempt to have a survivor come in to talk with the class. A resource which captures survivor voices is “Trafficking in meaning: law, victims, and the state” (Chapter 5: Incorporating Survivor Voices) and can found at: <https://www.ncjrs.gov/pdffiles1/nij/grants/231589.pdf>.

# COURSE REFERENCES

016 Workshop: Profiling the Traffickers. (2008). United Nations Global Initiative to Fight Human Trafficking. Retrieved 2 December 2020 from https://www.unodc.org/documents/human-trafficking/2008/BP016ProfilingtheTraffickers.pdf

2020 Report on U.S. Government Efforts to Combat Trafficking in Persons. (2020). Washington DC: US Department of State. Retrieved 1 December 2020, from https://www.state.gov/2020-report-on-u-s-government-efforts-to-combat-trafficking-in-persons/.

Anti-Human Trafficking Initiatives. (2020). Alexandria, VA: The Salvation Army. Retrieved 29 September 2020 from https://www.salvationarmyusa.org/usn/fight-human-trafficking/.

Bales, K. The Social Psychology of Modern Slavery. Scientific American, (2002) April Featured Article.

Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls. (2014). Center on Poverty and Inequality at Georgetown Law School. Retrieved 29 December 2020 from https://humantraffickinghotline.org/resources/blueprint-multidisciplinary-approach-domestic-sex-trafficking-girls

Busch-Armendariz, N.B., Nale, N.L. Kammer-Kerwick, M., Kellison, B., M.I.M., Cook Heffon, L., Nehme, J. 2016. Human *Trafficking by the Numbers: The Initial Benchmark of Prevalence and Economic Impact for Texas*. The University of Texas at Austin, School of Social Work, Institute on Domestic Violence and Sexual Assault.

Combating Child Sex Trafficking: A Guide for Law Enforcement Leaders. (2016). Washington DC: International Association of Chiefs of Police. Retrieved 22 October 2020 from https://www.theiacp.org/sites/default/files/all/i-j/IACPCOPSCombatingChildSexTraffickingAGuideforLELeaders.pdf.

Crisis in Human Trafficking During the Pandemic. (2020). Washington DC: Polaris Project. Retrieved 28 December 2020 from https://polarisproject.org/wp-content/uploads/2020/06/Crisis-in-Human-Trafficking-During-the-Pandemic.pdf.

Development & Operations Roadmap for Multidisciplinary Anti-Human Trafficking Task Forces. (2020). Washington DC: International Association of Chiefs of Police. Retrieved 12 September 2020 from https://www.theiacp.org/resources/document/development-operations-roadmap-for-multidisciplinary-anti-human-trafficking-task.

Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking. (2005). The Human Smuggling and Trafficking Center. Retrieved 28 August 2020, from https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/smuggling\_trafficking\_facts.pdf.

Farrell, Amy, and Rebecca Pfeffer. 2014. “Policing Human Trafficking: Cultural Blinders and Organizational Barriers.” *The Annals of the American Academy of Political and Social Science. 653: 46-64*.

Federal Law. (2020). National Human Trafficking Resource Center. Retrieved 23 December 2020 from https://humantraffickinghotline.org/what-human-trafficking/federal-law

Hotline Statistics. National Human Trafficking Hotline. Retrieved 5 October 2020 from https://humantraffickinghotline.org/states.

How Prosecutors Get Creative to Bring Traffickers to Justice. (2016). Washington DC: Polaris Project. Retrieved 30 November 2020 from https://polarisproject.org/blog/2016/08/how-prosecutors-get-creative-to-bring-traffickers-to-justice/

Hughs, D. Hiding in Plain Sight: a Practical Guide to Identifying Victims of Trafficking in the US. (2003). Rhode Island: University of Rhode Island. Retrieved 22 August 2020 from, https://popcenter.asu.edu/sites/default/files/problems/trafficked\_women/PDFs/Hughes\_2003.pdf.

Human Trafficking. Ken Paxton: Attorney General of Texas. Retrieved 5 October 2020 from https://www.texasattorneygeneral.gov/initiatives/human-trafficking.

Human Trafficking. (2020). Washington DC: Polaris Project. Retrieved 30 November 2020 from https://polarisproject.org/human-trafficking/.

Human Trafficking First Aid Kit for Law Enforcement Agencies. United Nations Office on Drugs and Crime. Retrieved 2 October 2020 from https://www.unodc.org/unodc/en/human-trafficking/2011/first-aid-kit.html

Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth: A Multi-City Study. (2018). The Field Center for Children’s Policy, Practice & Research, University of Pennsylvania. Retrieved 27 December 2020 from https://fieldcenteratpenn.org/wp-content/uploads/2013/05/6230-R10-Field-Center-Full-Report-Web.pdf

Human Trafficking Task Force eGuide. The Office for Victims of Crime Training and Technical Assistance Center. Retrieved 19 December 2020 from https://www.ovcttac.gov/taskforceguide/eguide/

Key Legislation. (2017). U.S. Department of Justice. Retrieved 23 December 2020 from https://www.justice.gov/humantrafficking/key-legislation

Kyle, David, and Rey Koslowski. 2011*. Global human smuggling: comparative perspectives*. Baltimore: Johns Hopkins University Press.

Language Access, Interpretation, and Translation. (2017). Asian Pacific Institute on Gender-Based Violence. 12 December 2020 from https://www.api-gbv.org/culturally-specific-advocacy/language-access/

Motivans, Mark, and Howard N. Snyder. 2018. *Federal prosecution of human-trafficking cases, 2015*. https://purl.fdlp.gov/GPO/gpo94109.

National Center for Missing and Exploited Children. The Issues: Child Sex Trafficking. Retrieved 24 November 2020 from https://www.missingkids.org/theissues/trafficking.

National Center for Missing and Exploited Children. Red Flags. Retrieved 2 November 2020 from https://www.missingkids.org/theissues/trafficking#redflags.

National Human Trafficking Hotline. Myths and Facts. Retrieved 25 November 25 2020 from Source:https://humantraffickinghotline.org/what-human-trafficking/myths-misconceptions.

Office of the Texas Governor: Gregg Abbott. Child Sex Trafficking Team. Retrieved 25 November 2020 from https://gov.texas.gov/organization/cjd/childsextrafficking.

Our Great Hobby: An Analysis of Online Networks for Buyers of Sex in Illinois. (2013). Chicago Alliance Against Sexual Exploitation. Retrieved 9 December 2020 from https://humantraffickinghotline.org/resources/our-great-hobby-analysis-online-networks-buyers-sex-illinois

Overcoming Language Barriers: Solutions for Law Enforcement. (2007). U.S. Department of Justice and Vera Institute of Justice. Retrieved 21 December 2020 from https://www.vera.org/publications/overcoming-language-barriers-solutions-for-law-enforcement

Pearson, E. Human Trafficking and Human Rights, Redefining Victim Protection. (2002). London: Thomas Clarkson House.

Peters, Alicia W. 2010. *Trafficking in meaning: law, victims, and the state.*

Raymond, Janice G., Donna M. Hughes, and Carol, J. Gomez. 2001. *Sex trafficking of women in the United States: international and domestic trends*. North Amherst, MA: Coalition Against Trafficking in Women.

Slavery Still Exists: it could be in your backyard. (2004). Washington DC: Free the Slaves. Retrieved February 2007 from, http://www.freetheslaves.net/communityguide.

Texas Attorney General: Be the One in the Fight Against Human Trafficking. “Buyers and Sellers in Human Trafficking. Retrieved 25 November 2020 from https://www2.texasattorney  
general.gov/human-trafficking/the-buyers-and-the-sellers-in-human-trafficking.

Texas Penal Code. Title 5. Offenses Against the Person. Chapter 20A. Trafficking of Persons. Retrieved 28 September 2020 from https://statutes.capitol.texas.gov/Docs/PE/htm/  
PE.20A.htm.

The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation. (2007). Washington DC: International Association of Chiefs of Police. Retrieved 12 October 2020 from https://www.theiacp.org/resources/document/the-crime-of-human-trafficking-a-law-enforcement-guide-to-identification-and.

The 2019 Trafficking Victims Protection Reauthorization Act: A Topical Summary and Analysis of Four Bills. (2019). Polaris Project. Retrieved 20 December 2020 from https://polarisproject.org/wp-content/uploads/2020/01/Polaris-TVPRA-2019-Analysis.pdf

Trafficking in Persons Report, 20th Edition. (June 2020). Retrieved 10 December 2020 from https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf

Trafficking In Persons: A Guide for non-governmental organizations. (2015). Washington DC: US Department of Justice-Civil Rights Division. Retrieved 2 September 2020 from https://www.justice.gov/crt/trafficking-persons-guide-non-governmental-organizations

Understanding Victim Mindsets. National Human Trafficking Hotline. (2014). Retrieved 29 December 2020 from https://humantraffickinghotline.org/resources/understanding-victim-mindsets

United Nations Office on Drugs and Crime: Country Profiles: North America 2018. Retrieved 30 November 2020 from https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP\_2018\_NORTH\_AMERICA.pdf

United Nations Office on Drugs and Crime: Global Report on Trafficking in Persons 2018. Retrieved 16 November 2020 from https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\_2018\_BOOK\_web\_small.pdf

United Nations Office on Drugs and Crime: Human Trafficking FAQs. Retrieved 16 November 2020 from https://www.unodc.org/unodc/en/human-trafficking/faqs.html.

U.S. Department of State. “International Programs to Combat Trafficking in Persons.” Retrieved 20 December 2020 from https://www.state.gov/international-programs-to-combat-trafficking-in-persons-4/

U.S. Department of State. “The Intersection of Human Trafficking and Addiction.” Retrieved 15 December 2020 from https://www.state.gov/the-intersection-of-human-trafficking-and-addiction/

Who are Human Traffickers? Retrieved 18 November 2020 from https://www.iom.int/sites/default/files/our\_work/DMM/MAD/Who-are-the-traffickers.pdf